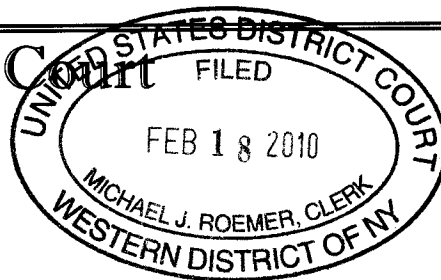


United States District Court

for the
Western District of New York

United States of America

v.

KELLY GRICE

Defendant

Case No. 10-MJ- 4025**SEALED**

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From, on or about the dates of September 2009 to the present, in the county of Monroe in the Western District of New York, the defendant violated 18 U.S.C. § 1029(a)(1), an offense described as follows:

Defendant and others knowingly and with intent to defraud produced, used, or trafficked in one or more counterfeit access devices, all in violation of 18 U.S.C. §1029(a)(1).

This criminal complaint is based on these facts:

- Continued on the attached sheet.

Complainant's signature

Gregory J. Gramiccioni, Special Agent
United States Secret Service

Printed name and title

Sworn to before me and signed in my presence.

Date: February 18, 2010

Judge's signature

City and State: ROCHESTER, NEW YORK

Honorable Marian W. Payson
United States Magistrate Judge

Printed name and title

10-mj-4025

AFFIDAVIT

IN SUPPORT OF A CRIMINAL COMPLAINT

State of New York)
County of Monroe) ss:
City of Rochester)

GREGORY J. GRAMICCIONI, being duly sworn, deposes and says:

1) I am a Special Agent of the United States Secret Service, within the Department of Homeland Security, and have been employed in this capacity for approximately two years. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. My experience includes leading numerous investigations involving fraudulent documents, identity theft, credit card fraud and bank fraud. Many of these cases have involved the use of computers and computer technology to perpetrate the fraud. I have received extensive training in these areas, and have participated in more than twenty similar investigations resulting in successful federal prosecution.

2) As part of my current duties, I became involved in an investigation of suspected violations of Title 18, United States Code, Section 1029(a).

3) I make this affidavit in support of the annexed criminal complaint charging KELLY GRICE with violations of Title 18, United States Code, Section 1029 (a)(1) (use of a counterfeit access device).

4) The statements contained in this affidavit are based upon information provided by law enforcement officers and through my own investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. The information that I have set forth herein I believe to be reliable based upon my investigation to date. Further, I have set forth only the facts that I believe are necessary to establish probable cause to believe that KELLY GRICE knowingly violated Title 18, United States Code, Section 1029.

5) As more fully set out below, the investigation has developed evidence and information that RONICCA ELLIS, SHERNELL ELLIS, RONNIE IRVIN, TAMIKA LLOYD, KELLY GRICE, BRENDA JACQUE,

SHAKEYA ELLIS, MARYNELL ELLIS and SHAKERIA WILSON have obtained more than three thousand credit card numbers/identities fraudulently, and used those to purchase merchandise fraudulently.

6) On 12/14/09, your affiant spoke with Detective Al Iacutone, Rochester Police Department, regarding a credit card scheme taking place within the Rochester and Buffalo areas. I attended a meeting involving the Rochester Police Department, Amherst Police Department, Depew Police Department, Lancaster Police Department, Irondequoit Police Department, and New York State Police. The meeting revealed that a group of individuals were obtaining credit card numbers using an automated system from Marathon Oil Company ("Marathon Oil"), Citgo Company ("Citgo"), and Big Lots Company ("Big Lots").

7) On this same day, Investigator Enser of the New York State Police provided your affiant with photos of alleged fraudulent transactions from various Wegmans grocery stores, around the Rochester area, and identified RONICCA ELLIS, SHERNELL ELLIS, RONNIE IRVIN, TAMIKA LLOYD, KELLY GRICE, BRENDA JACQUE, SHAKEYA ELLIS, and MARYNELL ELLIS in the surveillance video photos provided by Wegmans Loss Prevention.

8) The scheme is that one of the aforementioned individuals uses the automated systems of Marathon Oil, Citgo and/or Big Lots to input a credit card number, and the automated service reveals whether that credit card number is valid or not. These subjects then record the credit card numbers that are valid, and then attempt to go to merchants that have the capability to manually input the credit card number for purchases.

9) On 12/14/09, your affiant and New York State Police Investigator Tina Young interviewed Michelle Allen at the Lancaster Police Department. Allen was read her Miranda warnings, and acknowledged that she understood her rights. Allen stated the following:

On or about 12/10/09, Allen picked up Tanya Majchrzak, TAMIKA LLOYD, and KELLY GRICE, so they could go shopping in Buffalo, New York. When they arrived, TAMKIA LLOYD wanted Tanya Majchrzak to use a credit card, which had the last four numbers cut off. LLOYD advised Majchrzak to go into the store and ask if the cashier can input the numbers manually. If the merchant is able to input numbers manually, the subject was instructed to use "0209" as the last four numbers. At this point, Allen saw a sheet of paper containing what she believed were

credit card numbers. Allen attempted to make purchases at (2) two locations on Broadway Street in Lancaster, New York, with no success.

10) On 12/14/09, your affiant and Investigator Young interviewed Tanya Majchrzak at the Lancaster Police Department. Majchrzak was read her Miranda warnings, and acknowledged she understood her rights. Majchrzak corroborated what Allen stated previously, but added that TAMIKA LLOYD used Majchrzak's phone to call an "800" number, which provided LLOYD with a credit card number. Majchrzak admitted to using the cut credit card on (2) two occasions, one being successful at the Mobil Station on Broadway Street in Lancaster, New York.

11) On or about 1/15/10, your affiant, Investigator Enser, and Irondequoit Police Detective Rickerson interviewed KELLY GRICE, at 96 Lyme Street, Rochester, New York. GRICE advised the following:

She indicated that she was not completely aware of the entire scam, but knows that RONICCA ELLIS, TAMIKA LLOYD, SHERNELL ELLIS, and SHAKEYA ELLIS possess an "800" number for Citgo, Marathon Oil, and Big Lots, which allows them to impersonate store merchants. GRICE stated "[t]he

number is called from one of the "throw away" phones, and they input a merchant number. I have no idea how they obtained a merchant number, but they have it."

12) According to GRICE, using the merchant number, RONICCA ELLIS, TAMIKA LLOYD and SHAKEYA ELLIS type in a credit card number, and make up the last four digits; even, odd, even, and odd (i.e., 2345). The automated service will reveal if that credit card number is valid. If the card number is valid, they record the number, and then add or subtract eight for the next number. Once they have a number, they use a credit card, with their name on the front, where the last four numbers have been cut off. They go to stores and merchants that have the capability to input the credit card manually, and present a broken card. The merchant sees that the card is in their name, and the identification they provide matches, and the merchant verbally asks for the credit card number. The merchant or cashier inputs the number with the last four digits which were fraudulently obtained. RONICCA ELLIS, SHAKEYA ELLIS and TAMIKA LLOYD usually purchase gift cards, but they have since been buying everything using the fraudulently acquired cards. GRICE claimed she had never used the "800" number, but TAMIKA LLOYD used her cell phone on 11/18/09 to obtain many credit card numbers on their way out to Buffalo, New York. GRICE was shown video surveillance photos of numerous fraudulent purchases and identified

herself along with RONICCA ELLIS, SHERNELL ELLIS, RONNIE IRVIN, TAMIKA LLOYD, BRENDA JACQUE, SHAKEYA ELLIS, and MARYNELL ELLIS in the photos from Wegmans. GRICE advised that on or about 10/22/09, GRICE drove SHAKEYA ELLIS and SHERNELL ELLIS to make fraudulent purchases using "the numbers." According to GRICE, she was paid for driving individuals around while they made fraudulent transactions using "the numbers."

13) Continuing on 1/15/10, your affiant, Investigator Enser, and Detective Rickerson interviewed Investigator Enser's confidential informant (CI). The CI advised the following information in sum and substance:

The CI was provided the video surveillance photos of the numerous alleged fraudulent purchases, in which the CI identified each individual in the series of photos (RONICCA ELLIS, SHERNELL ELLIS, RONNIE IRVIN, TAMIKA LLOYD, KELLY GRICE, BRENDA JACQUE, SHAKEYA ELLIS, and MARYNELL ELLIS). The CI explained the process in which the credit card numbers are obtained. The CI added no additional information to the process, and corroborated the process aforementioned by GRICE.

14) On or about 01/15/10, Investigator Enser advised your affiant of an incident on 12/16/09. RONNIE IRVIN and MARYNELL ELLIS entered a Tops Market in the Town of Gates, and used this scheme to purchase gifts cards. MARYNELL ELLIS admitted that RONNIE IRVIN provided her with his wallet, which contained credit card numbers taped within it. IRVIN advised MARYNELL ELLIS to provide these numbers for the transaction. MARYNELL ELLIS provided a written statement as to these events above.

15) On 1/15/10, your affiant received a phone call from the CI advising that his/her cousin, name not revealed, was called by SHAKEYA ELLIS about some kennels that she wanted to buy. The cousin advised the CI that SHAKEYA ELLIS was going to use a fraudulent credit card to obtain the goods via Internet. The cousin wanted to use the residence address of the CI for the delivery of the fraudulently obtained kennels. The CI did not allow the use of her address for the delivery of the merchandise.

16) On or about 01/20/10, your affiant and Detective Rickerson interviewed SHAKEYA ELLIS at her residence, 1355 Norton Street, Upper, Rochester, New York. SHAKEYA ELLIS admitted to making these fraudulent transactions in the past, but would not admit to recent fraudulent transactions. SHAKEYA ELLIS even

identified herself in one surveillance photo, and in another photo, identified RONICCA ELLIS.

17) On 01/21/10, Irondequoit Police Department, New York State Police, and agents of this Service executed a federal search warrant on 1355 Norton Street, Upper, Rochester, New York, which is the residence of SHAKEYA ELLIS. Items seized included receipts supporting the credit card scheme, paper pad with credit card numbers written on it, and the shipping label from the aforementioned fraudulent kennel purchase.

18) On 01/21/09, this writer contacted the CI via telephone, which revealed that in early November 2009, RONICCA ELLIS moved into a new apartment, located at 60 Lyndhurst Street, Lower, Rochester, New York. The CI advised that RONICCA ELLIS had no furniture, appliances, or entertainment devices. Not more than a week later, RONICCA ELLIS had a new dining room set, (2) living room sets, a new washer and dryer, (2) large television sets, etc. The CI asked RONICCA ELLIS how she could afford all of this in just a week, and ELLIS replied, "I'm doing the cards again. This time I bought Gift Cards with the card numbers."

19) On 01/28/10, Irondequoit Police Department, Rochester City Police Department, New York State Police, and agents of this

Service executed a federal search warrant on the residence of RONICCA ELLIS, located at 60 Lyndhurst Street, Lower, Rochester, New York. RONICCA ELLIS was given Miranda warnings, and acknowledged she understood her rights. RONICCA ELLIS summarized the following:

RONICCA ELLIS started the interview admitting that the dining room set, the bedroom set, the (2) flat screens televisions, the electric fire place, and the fish tank were fraudulently purchased. On or about 09/25/09, RONICCA ELLIS, KELLY GRICE, and BRENDA JACQUE traveled to New York City. While in New York City, JACQUE used "the numbers" to purchase clothing at Victory Store and Dream House, which is located on 124 East 125th Street. RONICCA ELLIS identified these stores in a photograph, and stated, "Articles of clothing were purchased at these stores." RONICCA ELLIS was shown the video surveillance photos from the Wegmans fraudulent purchases, and identified herself, SHERNELL ELLIS, RONNIE IRVIN, TAMIKA LLOYD, KELLY GRICE, BRENDA JACQUE, SHAKEYA ELLIS, and MARYNELL ELLIS in the various photos.

20) On 01/29/10, Irondequoit Police Department, Rochester City Police Department, New York State Police, and agents of this

Service executed a Search Warrant on the residence of TAMIKA LLOYD, 1889 Clifford Avenue, Apt. 3, Rochester, New York. LLOYD was given Miranda warnings, and acknowledged she understood her rights at the beginning of the interview. During the search of her residence, items were seized including gift cards and many receipts, LLOYD summarized the following:

LLOYD confessed to obtaining "the numbers" and corroborated the procedure to do so, by calling the "800" number. She also advised that she has had "many" fraudulent purchases, exact amount unknown, but acknowledged the television in her apartment as being fraudulently obtained. LLOYD also implicated BRENDA JACQUE in the entire scam using the fraudulently obtained credit card numbers. Items seized in LLOYD's residence consisted of gift cards, sheets of paper containing card numbers, and receipts from fraudulent purchases. LLOYD was also shown video surveillance photos of the fraudulent transactions at Wegmans, and identified RONICCA ELLIS, SHERNELL ELLIS, RONNIE IRVIN, KELLY GRICE, BRENDA JACQUE, SHAKEYA ELLIS, MARYNELL ELLIS and herself in the various photos. LLOYD further stated that beginning in November 2009, KELLY GRICE obtained "the numbers" (the fraudulent credit card numbers) in front of

LLOYD. LLOYD added that around the same time frame, GRICE used the numbers at a Rite Aid in the Buffalo area while LLOYD was present. According to LLOYD, GRICE would receive half of the fraudulently obtained proceeds for that day.

21) On 01/29/10, Irondequoit Police Department, Rochester City Police Department, New York State Police, and agents of this Service executed a federal search warrant on the residence of BRENDA JACQUE, located at 940 Hudson Avenue, Rochester, New York. Jacque was given Miranda warnings, and acknowledged she understood her rights. JACQUE summarized the following:

JACQUE admitted to purchasing the fish tanks at Petco with RONICCA ELLIS, but stated RONICCA was the person who conducted the transaction physically. JACQUE also admitted to purchasing the computer system in her living room by using gift cards that were fraudulently obtained. During the search, agents found \$490.00 in U.S. currency, which JACQUE admitted she obtained by selling her kids' social security numbers, so someone else can use them as dependants for tax purposes. JACQUE also admitted to possession of the GreenDot credit card and to using fraudulently obtained credit card numbers to put

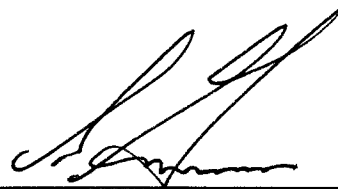
\$500.00 each time onto that GreenDot credit card. JACQUE conservatively estimated the amount of times she did these transactions as (500) five hundred times. A set of high performance tires were found in the basement, which JACQUE admitted were purchased fraudulently. Items seized in JACQUE's residence consisted of gift cards, the cut credit card bearing her name, the razor blade, the GreenDot card, and the numerous receipts found from the fraudulent purchases.

22) On or about 2/9/10, a federal search warrant was executed on the residence of SHAKERIA WILSON, 361 Clay Avenue, Rochester, New York. WILSON was given Miranda warnings and acknowledged she understood her rights. WILSON advised the following:

WILSON used to do "the numbers" but has not since September 2009, when she was arrested for Grand Larceny for an isolated incident. WILSON added that she learned how to access the numbers from another individual on or about early 2008. WILSON admitted to showing people in North Carolina how to obtain "the numbers" and to use those numbers to purchase merchandise fraudulently. The search warrant executed on WILSON's residence yielded Greendot cards, gift cards, pieces of paper containing

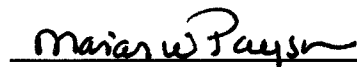
card numbers, a cut credit card, and a spiral notebook containing personal identifiers (names, social security numbers and dates of birth) of other individuals. WILSON was shown the envelope containing the card numbers and she stated, "I don't do that anymore. I haven't since September 2009." WILSON did confess, however, to having been a part of the scheme, having made fraudulent purchases and identified the items used in the fraud.

23) Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that from on or about September 2009 to the present, the subjects violated Title 18, United States Code, Section 1029(a)(1). In light of the on-going investigation, I would respectfully request that the complaint be sealed until the arrest of KELLY GRICE.



GREGORY J. GRAMICCIONI
Special Agent
United States Secret Service

Subscribed to and sworn before me
this 18th day of February 2010.



HON. MARIAN W. PAYSON
United States Magistrate Judge